

Original Paper

Protracted Refugee Situations and the “Warehousing” Option: The Intractability of Kenya’s Dadaab Refugee Complex

Sage Shaheen¹ & David P. Thomas^{2*}

¹ New Brunswick Refugee Clinic, Moncton, Canada

² Mount Allison University, Sackville, Canada

* David P. Thomas, Mount Allison University, Sackville, Canada

Received: November 11, 2021 Accepted: November 18, 2021 Online Published: November 24, 2021

doi:10.22158/wjssr.v8n4p71

URL: <http://dx.doi.org/10.22158/wjssr.v8n4p71>

Abstract

This article examines the phenomenon of Protracted Refugee Situations (PRS) and the so-called warehousing of refugees in the case of Kenya’s Dadaab refugee complex. We analyze the intractability of PRS in this particular case and argue that there are four main features that make it so: (1) a host state that views the refugees primarily as a security threat and takes very little responsibility for their well-being; (2) UNHCR acting as a surrogate state with very little influence over the Kenyan government and little incentive or capacity to remedy the situation; (3) an ongoing political situation in Somalia that prevents the safe return of refugees; and (4) a general failure on the part of wealthier countries to commit to substantial resettlement initiatives.

Keywords

protracted refugee situations, Kenya, Dadaab, refugees, UNHCR

1. Introduction

According to the United Nations Refugee Agency (UNHCR, 2018), a Protracted Refugee Situation (PRS) is defined as “one in which 25,000 or more refugees from the same nationality have been in exile for five consecutive years or more in a given host country”. These long-term refugee encampments are now home to roughly 15.9 million refugees, 78% of all refugees globally. While the encampments were intended as short-term solutions, the intractable nature of PRS has created dire and unforgiving living conditions for the inhabitants. With few prospects for a viable future, individuals face a scenario of “enforced reliance on external assistance” (Loescher & Milner, 2006, p. 106). Almost all of these protracted refugee situations are in global South countries, where host states struggle to provide a better solution to refugee crises.

UNHCR advocates three durable solutions for the issue of PRS. The first is voluntary repatriation, a solution that attempts to return refugees to their country of origin, provided the security situation allows it. The second is local integration, in which host states allow refugees to integrate into society and become active participants in the social, political, and economic life of the country. The third is resettlement in a third country. However, it is often the case that none of these solutions are available, which has resulted in a “de facto fourth and all-too-durable solution”: refugee warehousing (Smith, 2004, p. 38). This form of PRS creates almost permanent encampments, many of which have now existed for decades.

This article focuses on one of the most significant cases of PRS in existence today: the Dadaab refugee complex in Kenya. Following the collapse and consequent instability of the Somali state in the early 1990s, millions of Somalis were displaced. Many of these individuals crossed into Kenya, where the Kenyan state opened Dadaab, intending it to serve as a temporary solution until the Somalis could return home. Over 25 years later, Dadaab is a crucial case in understanding the failure of the international community to tackle this problem of “warehousing” refugees. This article begins by providing some context for PRS and the Dadaab case, briefly examining the three official solutions to PRS before offering a more detailed discussion of the “warehousing” option. We argue that there are four main features that make warehousing so intractable: (1) a host state that views the refugees primarily as a security threat and makes clear that the refugees are not the responsibility of the Kenyan government; (2) UNHCR acting as a surrogate state, with very little influence over the Kenyan government and little incentive or capacity to remedy the situation; (3) an ongoing political situation in Somalia that prevents the safe return of refugees; and (4) a general failure on the part of wealthier countries to commit to substantial resettlement initiatives. Finally, we conclude by discussing the significance of the case of Dadaab within the broader context of and literature on PRS and argue that the four key features identified above can serve as hallmarks of PRS intractability and help us understand potential ways forward from these refugee crises.

2. Protracted Refugee Situations (PRS)

This section situates our case study by providing an overview of the relevant literature on PRS, focusing specifically on the three official solutions to PRS—voluntary repatriation, local integration, and resettlement—and the fourth unofficial solution, referred to as warehousing, that has proven so intractable across many cases.

2.1 Voluntary Repatriation

The first durable solution to protracted refugee situations promoted by UNHCR is voluntary repatriation. This solution is by far the most favoured among the international community and host states alike, and it is indeed evident that “from the early 1980s onwards, states and

UNHCR...progressively adopted the position...that repatriation [constitutes] the only viable solution for the vast majority of the world's refugees" (Crisp & Fielden, 2008, p. 78). Host states and the international community prioritize the approach of "repatriation rather than integration", demonstrating that host states are inclined to view refugees as an "economic and environmental burden" above all else, leading to their reluctance to accept responsibility for these individuals (Crisp, 2003, p. 2). One reason for this disinclination is that many host states of PRS are global South countries that struggle with "declining economies [and] growing populations, [and that are] affected by conflict [and] instability", circumstances that are only exacerbated by the additional pressures of supporting an enormous refugee population (Crisp, 2003, p. 2). Furthermore, many of these host states feel that "the burden they...[accept when it comes to refugees is] not being adequately shared by the world's more prosperous states", leading them to feel overwhelmed and unwilling to involve themselves adequately in the provision of asylum (Crisp, 2003, p. 2). Finally, as protracted refugee situations endure through the decades, refugees increasingly "[come] to be regarded [by host states] as a threat to local, national, and even regional security" (Crisp, 2003, p. 3). As such, host states prefer to remove these individuals from their territories and send them back to their countries of origin, effectively circumventing the responsibility of providing for these refugees.

However, a critical issue with repatriation in regards to PRS is that it is "discussed in terms of a return to 'home', even a generation or more after the flight from conflict and when the descendants of the original refugees may never have seen their homeland" (Bakewell, 2000, p. 357). Furthermore, international organizations such as UNHCR and Human Rights Watch outline—in literature, in reports from the field, and in law—a number of indisputable principles for refugee protection in the country of first asylum, principles that may be violated by repatriation schemes. For example, in accordance with the international principle of non-refoulement as specified in the 1951 UN Convention & Protocol Relating to the Status of Refugees, for repatriation to be undertaken as a solution to refugee situations it must first be carefully ensured that the refugees' countries of origin are sufficiently safe for their return (UN General Assembly, 1967). As a peremptory norm of international law, non-refoulement "prohibits states from returning a refugee or asylum-seeker to countries or territories where [that] person's life or freedom would be threatened" by any means, something that in many cases effectively removes repatriation as a viable solution to PRS (Mwangi, 2018, p. 1319).

2.2 Local Integration

Another solution pursued by UNHCR and its international counterparts is local integration. Though commonly listed as one of the three desired durable solutions to address PRS, local integration is actually instituted in so few instances that it has "almost become a 'non-solution'" (Crisp & Fielden, 2008, p. 78). Host states are quick to identify refugees as burdensome to their countries both socially and economically, particularly when these refugees are in a protracted situation of "imposition".

Furthermore, in many global South host states, the locals themselves are struggling with poverty, leading them to hold concerns that the entrance of refugees into the market will create competition that may further threaten their own livelihoods. Often, this result in the refugee community in a host state becoming the easy scapegoat for many of the country's security problems, further contributing to the reluctance of the state to allow for the integration of these foreign individuals. From the perspective of the host community, "[perceived] security problems negate or diminish the benefits of refugee resources, and are a major factor in host attitudes becoming more antagonistic" (Jacobsen, 2001, p. 591). All of this poses a number of difficulties for the success of local integration, as it may only be accomplished with a great degree of cooperation between the host state and the international refugee regime, as well as a willingness on behalf of local populations to accept refugees into their community.

2.3 Resettlement

The third durable solution that UNHCR promotes for protracted refugee situations is resettlement in a third country. Because PRS most commonly occur in global South countries, many host states are incapable of furnishing refugees with the conditions and resources they need to better their lives, leading many of these individuals to view resettlement as their only hope. Given that both local integration and voluntary repatriation are often unattainable, it may be argued that the "only real way for...refugees to get out of...camps and rebuild their lives is by seeking resettlement to countries such as the United States, Australia, Canada, and New Zealand" (Crisp, 2000, p. 626). According to UNHCR statistics on refugee resettlement, in 2018 alone, roughly 1.4 million refugees were in need of resettlement, and only "81,300 resettlement places were provided by resettlement states" (UNHCR, 2019). Although this figure represented an eight per cent increase from the previous year's resettlement statistics, "the gap between needs and actual resettlement places exceeded 90 percent and [continues] to grow" (UNHCR, 2019).

Another aspect of refugee resettlement that must be taken into account is its subjectivity to "increased scrutiny in recent years due to national security concerns—initially in the wake of the 9/11 terrorist attacks, and again more recently...[after a] series of deadly, large-scale terror attacks undertaken by radicalized migrant-background youth...in Europe in late 2015 and early 2016" (Fasani, 2016, p. 4). Unfortunately, events such as these have resulted in a global political climate that disfavours the idea of refugee resettlement. The global pandemic of COVID-19 has also provided a substantial setback in terms of resettling refugees in third countries, as we will see when we discuss the protracted nature of the case of Dadaab.

As a result of the aforementioned variables, resettlement as a viable solution for refugees in protracted refugee situations is becoming less realistic with time. Even as refugee numbers continue to mount globally, "'destination' countries [are] increasingly restricting their protection offerings and reducing refugee quotas, [leaving] the burden of the global refugee crisis [to fall] disproportionately on poor

countries, [while]...the world [provides] dismal support and chronically [underfunds] refugee appeals” (Mbiyozo, 2018, p. 2). Because “less than 1% of refugees are resettled in 3rd countries”, the solution of resettlement is largely unfeasible in comparison to the scale of the global refugee population today (Mbiyozo, 2018, p. 2).

2.4 Warehousing

Unfortunately, the fourth and all-too-common solution that emerges in relation to PRS is hardly a solution at all: warehousing. Warehousing, or containment policy, refers to “the practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency—their lives on indefinite hold—in violation of their basic rights under the 1951 UN Convention” (Smith, 2004, p. 38). These situations are often characterized by “indefinite physical confinement in camps...[where refugees]...are deprived of the freedom necessary to pursue normal lives” (Smith, 2004, p. 38). Where voluntary repatriation is unattainable for the refugee populations on their territory and there are increasingly dismal odds of resettling refugees in a third country, host states often resort to warehousing refugees for several reasons. Warehousing refugees in large camps offers

visibility which helps with claims [from the host state to the international community] for burden sharing;...mechanisms for containment and control which help mitigate any perceived security threat in the short term; [and a reduction in] the risk that refugee populations will melt into the host population, failing to repatriate when conditions change in [their home countries]” (Kaiser, 2006, p. 598).

Unable to be resettled abroad and having no real prospect at being locally integrated in any capacity into their asylum country, the most common outcome of warehousing is that refugees in PRS are held “forever in a state of quarantine” (Sanyal, 2014, p. 139).

The warehousing approach to resolving PRS “serves to disenfranchise refugees [and deny them] basic rights they are entitled to under UNHCR’s guidelines” (Sanyal, 2014, p. 139). Not only does warehousing embody a grave violation of both international and regional conventions on refugee protection, it also raises numerous concerns regarding the lack of basic human rights afforded to refugees in these situations of containment. Warehousing compromises several rights of refugees as individuals seeking asylum, such as the right to freedom of movement, protected under Article 26 of the 1951 UN Convention Relating to the Status of Refugees (UN General Assembly, 1967, p. 27) and the right of refugees to obtain gainful employment within their country of asylum, as identified in the Convention’s Article 17 (UN General Assembly, 1967, p. 22). In most cases, refugees confined in camps are not permitted to work and thus have no opportunities to provide for themselves or their families economically, leaving them completely dependent on the often meagre and insufficient provision of aid by international relief organizations such as UNHCR.

Finally, a key issue with warehousing as a durable solution to PRS is that it is durable in only the wrong ways. Given the manufactured situation of refugee dependence on inadequate aid and the lack of options or prospects for exiting their physical and legal confinement in camps, the approach of refugee warehousing serves only to aggravate PRS. Worse yet, despite the clear violations of international refugee law and basic human rights,

there are no documented instances where inflows of foreign aid or humanitarian assistance were affected by a host state's policies towards [the] refugees on its territory,...[suggesting] that as long as a host state allows refugees to cross its borders, no matter how inadequate the protection it offers, [it] stands only to gain but never to lose international approval" (Jacobsen, 2001, p. 592).

As will be discussed with the case of Dadaab, there is typically very little incentive for the host state to object to, or remedy, the situation of warehousing within its borders. In the end, host states' responses to protracted refugee situations by way of warehousing not only represent a denial of refugees' basic human rights but also serve to waste their economic and creative energies altogether, creating a scenario of frustration, despair, and hopelessness that proves advantageous to neither the refugees nor the state (Loescher & Milner, 2006; Smith, 2004).

3. The Dadaab Refugee Complex

Somali refugees in Kenya represent a prominent example of warehousing as a response to PRS. As a result of civil war and state collapse, Somalia has been designated a failed state since 1991 and has suffered consequent widespread instability, violence, and unrest that may be attributed to a wide variety of causes. The "structural problems that made violence and separatism rife in the land...[are both] endemic in society...[and] created by colonial rule", and are further compounded by poor leadership and environmental factors such as severe drought and famine in the years since independence (Chijioke Njoku, 2013, p. 139) (Note 1). With the collapse of the Somali state in the early 1990s and its ongoing status as a failed state in the decades since, massive numbers of Somali refugees have poured into the neighbouring state of Kenya. Though originally self-settled in various coastal cities, the sheer number of Somali refugees entering the country led the Kenyan state to implement an encampment policy that confined all Somali refugees to the Dadaab and Kakuma refugee camps in the northern region of the country.

The Dadaab refugee complex, formerly the largest refugee camp in the world, is located in the arid, poverty-stricken North Eastern Province, Garissa County, Kenya. Initially created in 1991, the complex comprises five separate refugee camps that exist on the margins of both state and society: Ifo (1991), Dagahaley (1992), Hagadera (1992), Ifo II (2011), and Kambioos (2011). Three of these camps—Ifo, Dagahaley, and Hagadera—are still in operation today. Originally designed to serve as a temporary

asylum for Somali and other refugees fleeing conflict and persecution, nearly three decades later Dadaab is the third-largest refugee camp in the world. If “recognized as a city, [Dadaab] would be the third largest in Kenya”; yet the camps are managed more like a prison (Nyabola, 2015, p. 75). “Dadaab [has at times housed] over 400,000 people in sites that [were initially] established to serve 90,000”, with three generations of refugees now living within its confines (Warner, 2012, p. 108). Home to a population of both second generation and newly arrived refugees, Dadaab currently hosts nearly 220,000 people, roughly 202,000 of whom are Somali (UNHCR, 2019).

In the camp, refugees face a life of hardship; living conditions in Dadaab are harsh and unsanitary. Due to issues of severe overcrowding, the complex does not have “sufficient potable water” and “pit latrines...are dilapidated, exposing [refugees] to health risks and outbreaks of diseases such as cholera” (Kumssa, 2014, p. 148; see also Burns, 2010). For shelter, refugees often reside in nothing more than makeshift huts and tattered tents that were meant to be temporary. These living conditions leave residents exposed to theft, violence, and other transgressions. Though over two-thirds of Dadaab’s population is younger than 35 years old, most refugees living there receive only a haphazard primary education, while secondary education in the camps has been “abolished all together [since]...1977” due to lack of financial resources (Crisp, 2000, p. 632) (Note 2). In recent years, other support services in Dadaab have seen drastic reductions as well. Despite a needs assessment by the REACH resource center revealing

food [to be] the most pressing humanitarian need [of the complex’s residents], in 2017 the World Food Programme announced that it “[had] to cut food rations by 30 percent for...[refugees in Dadaab]...due [once again] to insufficient funding” (Burns, 2010, p. 8; see also “Kenya: half of the assessed households”, 2018).

As refugees in these camps are unable to work to supplement the paltry food rations distributed to them by international aid organizations, any reduction of food aid has extremely negative ramifications. In Dadaab, child malnutrition consistently “hovers around 10%” (Sieff, 2015).

Though entitled to a number of basic rights as refugees in Kenya, most of Dadaab’s inhabitants are effectively prevented from exercising these rights. A critical example is the right of refugees to gainful employment. According to Article 16 of Kenya’s Refugees Act of 2006, refugees are afforded the same rights to employment as other non-nationals in the country, a process that is governed by the Kenya Citizenship and Immigration Act of 2011. This Act grants refugees Class M work permits, which, once obtained, last for five years. However, the Refugee Consortium of Kenya revealed in 2012 that the government has only actually issued these work permits in a few isolated cases (O’Callaghan & Sturge, 2018, p. 6). In Dadaab, only 15% of refugees have a regular source of income outside the aid they receive from organizations like UNHCR (Crisp, 2000, p. 628). The inability of most to earn income results in “dependency syndrome”; refugees are unable to establish any degree of self-reliance and

instead become completely dependent on the inadequate aid they receive from organizations such as UNHCR (Kumssa & Jones, 2014, p. 41). This reality has psychological consequences for refugees in PRS such as those trapped in Dadaab, leading them to suffer from “diminished self-worth due to their inability to better their situation or to escape from the conditions of camp life” (Kumssa & Jones, 2014, p. 41).

According to Article 26 of the 1951 Convention and Protocol, refugees in Kenya are also supposedly guaranteed the right to freedom of movement, but the reality is that Dadaab’s residents are rarely afforded this right (UN General Assembly, 1967, p. 27). In practice, these individuals are forbidden to leave the confines of the complex unless granted a movement pass from the government of Kenya, which are rarely distributed. If apprehended outside of Dadaab and found to be lacking proper documentation, a refugee will incur a penalty of “a six-month jail term, a fine of 20,000 Kenyan shillings (approximately \$200), or both” (Maina, 2016, p. 3). Such are the living conditions for the refugees that a senior UN aid worker in Dadaab described the complex as “the world’s largest detention center”, where individuals seeking asylum are effectively imprisoned to await a solution to their plight (Betts, 2013, p. 146).

While the refugee camps in Kenya “may well offer a greater degree of security [to refugees] than [what] is available in Somalia,...Dadaab hardly [provides] the kind of safe refuge implied by the notion of asylum” (Crisp, 2000, p. 624). During the 1990s, the refugee camps of Dadaab were renowned as “the most violent in the world, with rape, murder and armed robbery almost daily occurrences” (Loescher & Milner, 2005, p. 157). Security in the complex has long been severely compromised by its location 80 kilometres from the Kenya-Somali border, as both Kenyan and Somali bandits roam the outskirts of the camp and attack its inhabitants in search of money and food. The conditions of generalized insecurity in the area are underscored by the insufficient police and security forces assigned to the camps, and “most of the police posted to [Dadaab] are sent there forcibly,...[often resulting in their treatment of] the posting as a form of punishment” (Burns, 2010, p. 7). In fact, Kenyan police stationed in Dadaab have been known to commit egregious abuses of power such as “violence [against] and rapes of refugees,...[manufacturing in these individuals a] fear and distrust for those responsible for their protection [and effectively rendering their] situation [of confinement]...doubly oppressive” (Abdi, 2005, p. 10).

For women and children, the security situation is even more concerning. The camp is located in an arid region of Kenya with little natural vegetation, requiring refugees to venture several kilometres outside the camp to scavenge for firewood. In Dadaab, this is primarily a responsibility of women and children, and yet the task places them in a position of great vulnerability due to *shifta* (bandit) activity around the camps. Given the insufficient presence of security forces in the area, the rampant banditry occurring on the outskirts of the camps, and the spillover of armed combatants from neighbouring Somalia, women

who wander outside the confines of the complex to forage for wood are subject to sexual and gender-based violence (SGBV). Unsurprisingly given all of these factors, “when asked to identify the most serious problems confronting them, [refugees in Dadaab]...invariably draw attention to the fact that their safety is under constant and serious threat”, whether by shiftas, Kenyan police forces, or militants affiliated with Somali terror group Al-Shabaab (Crisp, 2000, p. 602).

In creating Dadaab and responding to its PRS with a de facto encampment policy, Kenya has greatly infringed upon refugee rights, ensnaring these individuals “in an intractable state of limbo” (Warner, 2012, p. 108). The principal result has been “wasted human capacity and deprivations of human dignity” of the refugees living in Dadaab (Abdi, 2005, p. 7). The country is also actively violating several peremptory norms of international law and regional refugee protection conventions existing between eastern African countries. As such, the Dadaab refugee complex represents an enormous failure on the part of the Kenyan state to properly address the needs of a protracted refugee population and work towards a durable resolution of the situation.

4. Key Features that Render the Warehousing Situation so Intractable

The case of Dadaab provides a window into understanding the intractable nature of the PRS conundrum across the globe today. In examining this case we identify four key features that make the situation so durable, all of which highlight the difficulty in addressing the many problems inherent with the warehousing approach in this case and beyond. The first key issue is that the host state—Kenya—does not consider itself responsible for the plight of the refugees and as a result has done very little to make the camp livable for its inhabitants. For many years after independence in 1963, very few refugees entered Kenya, and most that did were skilled labourers from Uganda or Rwanda that provided valuable cheap labour to the Kenyan state (Nanima, 2017, p. 47). As such, Kenya’s refugee policy during this time was one of de facto integration. However, this approach changed drastically in the early 1990s when larger numbers sought asylum in Kenya from neighbouring Somalia, Ethiopia, and Sudan. It was at this time that Kenya ceded control over its refugee affairs to UNHCR. The Kenyan state has been blunt about this approach, as the director of the Kenyan Department of Refugee Affairs demonstrated by stating that “the refugee business is not the business of the Kenyan government, [but rather]...the responsibility of the international community” (Betts, 2013, p. 145). Thus, UNHCR has taken on the responsibility of providing the basic necessities for those living in Dadaab, as will be discussed below.

In addition to eschewing almost any responsibility for the well-being of refugees in its territory, the Kenyan state has also resorted to an approach of securitization vis-à-vis Somali refugees. After Kenya joined the African Union Mission in Somalia (AMISOM), which is tasked with reducing the threat of Somali terror group Al-Shabaab and stabilizing the security situation in Somalia, Al-Shabaab warned

the Kenyan government that this would make it a target for attacks from the militant group. Indeed, between 2011 and 2014, Kenya had “112 terror attacks...in which hundreds of people have died, and others have been injured” (Nanima, 2017, p. 46). These attacks were then linked by the Kenyan state to the flow of Somalis into Kenya, providing them with a rationale to crack down on flows of refugees into Kenya. In fact, the Kenyan state was restricting access for Somali refugees even before these attacks. For example, they closed the Kenya-Somali border in January 2007 citing “increased insecurity in the border area and the threat of ICU [Islamic Courts Union] militia crossing into Kenya” as justification for this action (Mwangi, 2018, p. 1321). Under the guise of security concerns, the border closure represented an attempt to prevent any further entry of Somali asylum seekers into the country, and it also stipulated the immediate cessation of refugee registration in the country. The immediate result of these orders was that “between 5,000 and 7,000 [Somali] asylum seekers [were left] waiting on the Kenya-Somali border in urgent need of humanitarian assistance” (Mwangi, 2013, p. 1321). Furthermore, this border closure allowed Kenyan police to send Somalis back into Somalia, thereby breaching the fundamental principle of non-refoulement. This is just one more example of the Kenyan state failing to abide by international conventions and norms regarding the treatment of people seeking asylum (Note 3).

In April 2021, the Kenyan government announced its intention to close both Dadaab and Kakuma by June 2022, a decision that will affect the over 430,000 refugees that call the camps home (Reuters, 2021). While Kenya has been making intermittent threats about closing the camps since 2016, a meeting between Kenyan President Uhuru Kenyatta and UNHCR chief Filippo Grandi in April 2021 resulted in a joint statement regarding camp closures, suggesting increased potential for upcoming decisive action in this regard. In its statement, the Kenyan government indicated its intention to “repatriate some [refugees] and give others residency”, though the likelihood of this happening is uncertain given Kenya’s long refusal to assume responsibility for the refugees on its territory (Reuters, 2021).

The second key aspect of this case that makes the warehousing situation so intractable involves the role of UNHCR. Scholar Sarah Deardorff Miller (2017) analyzes UNHCR in its role as a surrogate state across several different cases, including its important role in Kenya. While UNHCR may be reluctant to do so, it increasingly finds itself running refugee complexes such as Dadaab as a *de facto* state. Miller (2017, p. 78) argues that in the case of Kenya, UNHCR “assumed surrogacy over time, to the point where refugees and locals alike viewed it—not the government—as the authority in charge of many aspects of life”. While the work of UNHCR in these cases is absolutely crucial in providing day-to-day support for the people living in Dadaab, especially when the host state is unwilling to do so, this surrogate scenario adds to the intractability of the situation. Miller notes that the Kenyan state is happy to continue this situation of surrogacy because UNHCR is willing to do the work and pay for it.

Moreover, there is also an incentive for UNHCR to continue the status quo of PRS. According to Miller (2017, p. 87),

For its part, UNHCR, though outwardly reluctant to take on surrogacy, has an interest in pleasing its donors and thus does not want to appear to be scaling back from any projects. On the contrary, expansion is what brings in new funds, which makes going beyond the refugee protection mandate tempting. One UNHCR official stated that UNHCR's current role in Kenya and in other PRS puts UNHCR in a difficult place, as it becomes the key resource mobilizer, continually failing to "responsibilize" the government. He claims that within the organization, "it is not really rewarded" to truly seek solutions that empower the government to make sure that "I will not be necessary".

UNHCR, as with many other intergovernmental organizations, appears caught between trying to uphold the standards and ethics that form the foundation of its work and attending to the interests of both host and donor states. Miller (2017) also found that, despite the substantial presence of UNHCR in Kenya, the organization is largely unable to influence the Kenyan state to play a more productive role in making the lives of Somali refugees more bearable.

The third key feature that makes warehousing so durable in the Dadaab case is the intractable nature of the security situation in Somalia, which makes it impossible to execute voluntary repatriation as a solution to PRS. The political situation in Somalia has never recovered since the state collapsed in the early 1990s (Note 4). Despite efforts to rebuild a state in Somalia during the past 15 years—including a substantial peacekeeping force set up by the African Union in 2007—Al-Shabaab still controls much of southern and central Somalia, rendering the security situation perilous throughout much of the country. The nascent central government continues to be primarily funded by the international community and has struggled to exert much influence or control outside the capital, Mogadishu. Stremlau (2019) points to one of the key problems with the state-building process to date: "Given that the state-building initiatives have largely been externally driven and funded, political patronage has been outward looking, with fewer incentives to be accountable to Somalia's citizens". Al-Shabaab's continued threat to peace has also meant that Somali citizens are still waiting for their first opportunity to vote directly in national elections. The security situation today shows very little signs of improving, which once again makes the warehousing of Somali refugees in Kenya a durable option.

The fourth and final aspect of this case that entrenches PRS is the overall failure of the international community to provide robust third country resettlement options. This failure is not specific to the case of Somali refugees living in Kenya, but rather a broader feature of the international landscape when it comes to dealing with PRS. According to UNHCR (2020), at the end of 2020 there were 82.4 million forcibly displaced people in the world, but in that same year, only 34,400 refugees were admitted for

resettlement in 21 countries. That means only 0.04% of the total number of displaced people were resettled in a third country in 2020. It is worth noting that the number of resettled refugees was down in 2020 due to the global COVID-19 pandemic; in a typical year, closer to 100,000 people would be resettled. However, this number is still enormously inadequate to address the refugee crisis. In addition, if one focuses exclusively on refugees and removes internally displaced people from the total number of people displaced, “even at its recent high point, in 2016, just 1 percent of refugees worldwide were resettled” (Council on Foreign Relations). With numbers this low, it is unsurprising that lack of a more substantial international response to the global refugee crisis in the form of third country resettlement is an important feature of PRS and the durability of the warehousing approach.

5. Conclusion and Implications

The case of Dadaab presents a devastating example of PRS and the harm that such a warehousing approach causes. It also demonstrates how and why the warehousing option can be so intractable and difficult to overcome. The durability of the warehousing “solution” in Dadaab generally conforms to the literature on PRS in the sense that it demonstrates how difficult it is to solve the refugee crisis using the three core solutions—voluntary repatriation, local integration, and resettlement. We demonstrate that these solutions are either insufficient or impossible within the existing context and thus why warehousing continues to be the default option for both the host state and the international community. The four key features of intractability in this case can also help us analyze other cases where the warehousing option exists. In cases where all four features are present, PRS is most likely deeply entrenched and destined to remain so for quite some time. While the local context will differ from case to case, the overarching analysis of these four features in the Dadaab case can help identify the degree to which the warehousing situation is more or less intractable.

While it is beyond the scope of this article to rigorously propose and analyze solutions to the warehousing crisis in cases like Dadaab, one can also work with the four features of intractability to begin charting a path forward. For example, on the question of resettlement to third countries, it would be highly beneficial if wealthier countries substantially increased their resettlement targets. After sustained pressure from civil society, President Joe Biden recently announced that the US will lift the cap on refugees from 15,000 to 62,500 this year, followed by a further increase to 125,000 for the following year (“Joe Biden raises Trump refugee cap”, 2021). While this is welcome news, it still only addresses a very small fraction of the refugee population globally. On the issue of UNHCR and its alleged complicity in perpetuating the warehousing scenario, this is a more difficult dilemma to solve. As Slaughter and Crisp (2009, p. 3) point out,

humanitarian agencies in general, and UNHCR in particular, have been placed in the position of establishing and assuming responsibility for such “sprawling camps” in order to fill gaps in the international refugee regime that were not envisaged at the time of its establishment after the Second World War.

While warehousing refugees does not address the root causes of displacement or provide a viable long-term solution to the plight of refugees, the reality is that UNHCR is acting to mitigate the harms caused by displacement within a complex and limiting framework of state sovereignty.

If host states are not receptive to the local integration option, international efforts at resettlement are not sufficient, and the security situation in the home country is dire, UNHCR is all that is left for the displaced populations. This despite the fact that conditions in the camps further strip refugees of their human dignity, leaving them to languish for decades in camps bereft of opportunities for advancement. Though solving the political situation in Somalia would certainly help facilitate the option of voluntary repatriation and go a long way to tackling the intractability of the warehousing scenario, addressing the root causes of such a conflict and finding a productive way forward has escaped both Somali and international actors for roughly 30 years. Unfortunately this means that the warehousing “solution” will most likely continue to be used in this case for the foreseeable future.

References

- Abdi, A. M. (2005). In limbo: Dependency, insecurity, and identity amongst Somali refugees in Dadaab camps. *Refuge: Canada's Journal on Refugees*, 22(2), 6-14.
- Bakewell, O. (2000). Repatriation and self-settled refugees in Zambia: Bringing solutions to the wrong problems. *Journal of Refugee Studies*, 13(4), 356-373.
- Betts, A. (2013). *Survival migration: Failed governance and the crisis of displacement*. Cornell University Press.
- Burns, A. (2010). Feeling the pinch: Kenya, Al-Shabaab, and East Africa's refugee crisis. *Refuge: Canada's Journal on Refugees*, 27(1), 5-15.
- Chijioke Njoku, R. (2013). *The history of Somalia*. ABC-CLIO, LLC.
- Council on Foreign Relations. (n.d.). *No refuge: Why the world's swelling refugee population has shrinking options*. Retrieved from <https://www.cfr.org/refugee-crisis/#!/a-system-under-strain>
- Crisp, J. (2000). A state of insecurity: The political economy of violence in Kenya's refugee camps. *African Affairs*, 99(397), 601-632.
- Crisp, J. (2003). *No solution in sight: The problem of protracted refugee situations in Africa*. The Center for Comparative Immigration Studies—UC San Diego.
- Crisp, J., & Fielden, A. (2008). Local integration: Reviving a forgotten solution. *Forced Migration Review*, 30, 78-79.

- Fasani, F. (2016). *Refugees and economic migrants: Facts, policies, and challenges*. Centre for Economic Policy Research.
- Giles, W., & Orgocka, A. (2018). Protracted refugee situations: Adolescents in Dadaab, Kenya. In J. Bhabha, J. Kanics, & D. S. Hernandez (Eds.), *Research handbook on child migration* (pp. 416-426). Edward Elgar Publishing.
- Jacobsen, K. (2001). The forgotten solution: Local integration for refugees in developing countries. *New Issues in Refugee Research Working Paper*, 45. Retrieved from <https://www.unhcr.org/research/working/3b7d24059/forgotten-solution-local-integration-refugees-developing-countries-karen.html>
- Joe Biden raises Trump refugee cap after backlash. (2021, May 4). *BBC News*. Retrieved from <https://www.bbc.com/news/world-us-canada-56975402>
- Kaiser, T. (2006). Between a camp and a hard place: Rights, livelihood and experiences of the local settlement system for long-term refugees in Uganda. *The Journal of Modern African Studies*, 44(4), 597-621.
- Kenya: Half of the assessed households report insufficient access to food at Dadaab Refugee Complex. (2018). *ReliefWeb*. Retrieved from <https://reliefweb.int/report/kenya/kenya-half-assessed-households-report-insufficient-access-food-dadaab-refugee-complex>
- Kumssa, A., & Jones, J. F. (2014). Human security issues of Somali refugees and the host community in Northeastern Kenya. *Journal of Immigrant & Refugee Studies*, 12(1), 27-46.
- Kumssa, A., Williams, J. H., Jones, J. F., & Des Marais, E. A. (2014). Conflict and migration: The case of Somali refugees in Northeastern Kenya. *Global Social Welfare*, 1(4), 145-156.
- Loescher, G., & Milner, J. (2005). The long road home: Protracted refugee situations in Africa. *Survival: Global Politics and Strategy*, 47(2), 153-174.
- Loescher, G., & Milner, J. (2006). Protracted refugee situations: The search for practical solutions. In *The State of the World's Refugees 2006: Human Displacement in the New Millennium*, UNHCR. Retrieved from <https://www.unhcr.org/publications/sowr/4a4dc1a89/state-worlds-refugees-2006-human-displacement-new-millennium.html>
- Maina, A. (2016). Development of refugee law in Kenya. *World Policy*. Retrieved from <https://worldpolicy.org/2016/03/29/development-of-refugee-law-in-kenya/>
- Mbiyozo, A. N. (2018). Fleeing terror, fighting terror: The truth about refugees and violent extremism. *Institute for Security Studies*. East Africa Report.
- Miller, S. D. (2017). *UNHCR as a surrogate state: Protracted refugee situations*. Routledge.

- Mwangi, O. G. (2018). Securitisation, non-refoulement and the rule of law in Kenya: The case of Somali refugees. *The International Journal of Human Rights*, 22(10), 1318-1334.
- Nanima, R. (2017). An evaluation of Kenya's parallel legal regime on refugees, and the courts' guarantee of their rights. *Law, Democracy, & Development*, 2, 42-67.
- Nyabola, N. (2015, June 27). Debating Dadaab. *New African Magazine*. Retrieved from <https://newafricanmagazine.com/11028/>
- O'Callaghan, S., & Sturge, G. (2018) *Against the odds: Refugee integration in Kenya*. Humanitarian Policy Group, Overseas Development Institute. Retrieved from <https://www.odi.org/our-work/programmes/humanitarian-policy-group>
- Reuters. (2021). *Kenya tells U.N. it will shut two camps with 410,000 refugees by June 2022*. Retrieved from <https://www.reuters.com/world/africa/kenya-tells-un-it-will-shut-two-camps-with-410000-refugees-by-june-2022-2021-04-29/>
- Sanyal, R. (2014). Refugees: The work of exile: Protracted refugee situations and the new Palestinian normal. In M. D. Bertrand, & M. Jacob (Eds.), *The post-conflict environment: Investigation and critique* (pp. 135-157). University of Michigan Press.
- Samatar, A. I. (1992). Destruction of state and society in Somalia: Beyond the tribal convention. *Journal of Modern African Studies*, 30(4), 625-641.
- Samatar, A. I. (2014). Defeating al-Shabab and dismembering Somalia. Al-Jazeera News. Retrieved from <https://www.aljazeera.com/opinions/2014/7/1/defeating-al-shabab-and-dismembering-somalia>
- Sieff, K. (2015, April 28). Kenya is threatening to close the world's largest refugee camp. *The Washington Post*. Retrieved from https://www.washingtonpost.com/world/africa/kenya-is-threatening-to-close-the-worlds-largest-refugee-camp/2015/04/27/ab296316-e9cd-11e4-8581-633c536add4b_story.html
- Slaughter, A., & Crisp, J. (2009). A surrogate state? The role of UNHCR in protracted refugee situations. *Research Paper No. 168, UNHCR*. Retrieved from <https://www.unhcr.org/research/working/4981cb432/surrogate-state-role-unhcr-protracted-refugee-situations-amy-slaughter.html>
- Smith, M. (2004). Warehousing refugees: A denial of rights, a waste of humanity. *World Refugee Survey*. Washington US Committee For Refugees. Retrieved from https://sswm.info/sites/default/files/reference_attachments/SMITH%202004%20Warehousing%20Refugees.pdf
- Stremlau, N. (2019, January 9). Governance without government in the Somali Territories. *Journal of International Affairs*. Retrieved from

- <https://jia.sipa.columbia.edu/governance-without-government-somali-territories>
- United Nations. (2019). *Figures at a Glance*. *UNHCR*. Retrieved from <https://www.unhcr.org/figures-at-a-glance.html>
- United Nations General Assembly. (1967, January 31). Protocol Relating to the Status of Refugees. *United Nations, Treaty Series*, 606, 267. Retrieved from <https://www.refworld.org/docid/3ae6b3ae4.html>
- UNHCR. (2018). *Global trends: Forced displacement in 2018*. Retrieved from <https://www.unhcr.org/globaltrends2018/>
- UNHCR. (2019). *Horn of Africa Somalia situation*. Retrieved from <https://data2.unhcr.org/en/situations/horn>
- UNHCR. (2020). *Flagship reports: Forced displacement in 2020*. Retrieved from <https://www.unhcr.org/flagship-reports/globaltrends/>
- Warner, L. A. (2012). In Somalia, Kenya risks death by a thousand cuts. *PRISM*, 3(3), 105-118. Retrieved from https://cco.ndu.edu/Portals/96/Documents/prism/prism_3-3/prism105-118_warner.pdf

Notes

Note 1. For a good discussion of the factors leading to state collapse, see Samatar (1992).

Note 2. For an excellent analysis of life for adolescents in Dadaab, see Giles & Orgocka (2018).

Note 3. For more in-depth analysis of the international and regional conventions, norms, and protocols that Kenya has not abided by regarding its treatment of refugees, see Mwangi (2018) and Nanima (2017).

Note 4. For a brief synopsis of the post-1990 political situation, see Samatar (2014).